

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: David K. Schmitt
DOCKET NO.: 05-25575.001-R-1
PARCEL NO.: 05-33-213-037

The parties of record before the Property Tax Appeal Board (hereinafter PTAB) are David K. Schmitt, the appellant, by attorney Lait Meisler with the law firm of Golan & Christie in Chicago and the Cook County Board of Review.

The subject property consists of a 7,850 square foot parcel of land improved with a 63-year old, two-story, frame and masonry, single-family dwelling. The improvement contains 2,111 square feet of living area, two baths, two fireplaces, and a partial, finished basement. The appellant, via counsel, argued that there was unequal treatment in the assessment process of the improvement as the basis of this appeal.

In support of the equity argument, the appellant submitted assessment data and descriptions on a total of four properties suggested as comparable to the subject. The data in its entirety reflects that the properties are located within the subject's neighborhood and are improved with a two-story, frame, masonry, or frame and masonry, single-family dwelling with two, two and one-half or three and one-half baths. In addition, two properties contain air conditioning and three a fireplace. The improvements range: in age from one to 44 years; in size from 2,323 to 3,440 square feet of living area; and in improvement assessments from \$5.16 to \$10.92 per square foot of living area. Based upon this analysis, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's improvement assessment was \$44,658, or \$21.15 per square feet of living area. The board also submitted

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Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change in the assessment of the property as established by the Cook County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	\$10,048
IMPR.:	\$44,658
TOTAL:	\$54,706

Subject only to the State multiplier as applicable.

PTAB/0879JBV

copies of the property characteristic printouts for the subject as well as a total of four suggested comparables located on the subject's block. The board's properties contain a two-story, frame and masonry, single-family dwelling with between one and one-half or two and one-half baths, air conditioning, a full, unfinished basement, and, for three properties, a fireplace. The improvements range: in age from 51 to 66 years; in size from 1,847 to 2,218 square feet of living area and in improvement assessments from \$21.54 to \$26.25 per square foot of living area. In addition, the board submitted copies of its file from the board of review's level appeal. As a result of its analysis, the board requested confirmation of the subject's assessment.

At hearing, the appellant's attorney argued that the subject property is over assessed when compared to similar properties in the subject's neighborhood. Ms. Meisler stated that comparable #3 was a pro-rated assessment and gave a full assessment amount using 2008 assessment figures. She argued that the board of review's comparables were not as similar to the subject as the appellant's comparables.

The board of review's representative, Lena Henderson, argued that the board's comparables are similar to the subject and assessed higher than the subject.

Ms. Henderson argued that in addition to the one comparable stated by the appellant, the appellant's suggested comparable #1 is also pro-rated and comparable #4 is a partial assessment. This means that the improvement assessments listed on the grid are not the full assessment for each property. During the hearing she stated that she reviewed each of the appellant's suggested comparables in the board of review's computer system to determine if a property was a full, partial, or pro-rated assessment. Ms. Henderson further explained what a partial and pro-rated assessment was.

In response to questions from the board of review, Ms. Meisler provided the full assessment for appellant's suggested comparable #1 using 2008 assessment information.

After considering the evidence and reviewing the testimony, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

Appellants who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill. 2d 1, 544 N.E.2d 762 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. Proof of assessment inequity should include assessment data and documentation establishing the physical, locational, and jurisdictional similarities of the suggested comparables to the subject property. *Property Tax Appeal Board*

Rule 1910.65(b). Mathematical equality in the assessment process is not required. A practical uniformity, rather than an absolute one is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill. 2d 395, 169 N.E.2d 769 (1960). Having considered the evidence presented, the PTAB concludes that the appellant has not met this burden and that a reduction is not warranted.

The parties presented assessment data on a total of eight equity comparables. The PTAB finds the board of review's comparables are the most similar to the subject. These four comparables contain a two-story, frame and masonry, single-family dwelling located on the subject's block. The improvements range: in age from 51 to 66 years; in size from 1,847 to 2,218 square feet of living area; and in improvement assessments from \$21.54 to \$26.25 per square foot of living area. In comparison, the subject's improvement assessment of \$21.15 per square foot of living area falls below the range established by these comparables. The PTAB accorded less weight to the remaining comparables due to a disparity in age, size, location and/or incomplete improvement assessment information.

As a result of this analysis, the PTAB further finds that the appellant has not adequately demonstrated that the subject's improvement was inequitably assessed by clear and convincing evidence and that a reduction is not warranted.

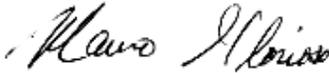
This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



Chairman



Member



Member



Member

DISSENTING: _____

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: February 20, 2009



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.